EXHIBIT 17

	Page 271			
1	UNITED STATES DISTRICT COURT			
	SOUTHERN DISTRICT OF NEW YORK			
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	COMMODITY FUTURES TRADING)			
5	COMMISSION,)			
)			
6)			
	Plaintiff,)			
7) Case No.			
	vs.) 22-CV-4563			
8)			
•	GEMINI TRUST COMPANY, LLC,			
9	Dafaradant)			
10	Defendant.)			
10	,			
11				
12				
13	VIDEOTAPED AND VIRTUAL DEPOSITION OF ROSE TOOMEY			
14	VIDEOTAPED AND VIRTUAL DEPOSITION OF ROSE TOOMET VOLUME II			
15	Thursday, November 16, 2023			
16	AT: 9:07 a.m. Central European Time			
17				
18	Taken at:			
19	Amsterdam, NETHERLANDS			
20				
21				
22	Court Reporter:			
23	Rose Kay			
	Accredited Real-time Reporter			
24				
25	Job No. CS6289354			



Page 412 Page 414 Gemini's facs, relative to its trading volume, as between I ran." A Agust and September of 2017? 2 Q. Okay. A As I recoilect, Hashtech was suspended on 4 14 September and the trading between Hashtech and Cardano 5 ceased; and although the maker rebate burt, the real = the 6 real source of the losses was the = the taker fee that 7 Hashtech had, in combination with the 15 bp maker rebate 8 that Cardano bad. 9 Q. And can you remind me: how does the Gemini 10 exchange make money? 10 Were you involved in writing the code for 10 the Gemini auction? 11 A. Focs on trades. 12 Q. To your knowledge, as someone who = 14 A. Learl remember that happening. 14 A. Learl remember that happening. 15 Q. I would like to show you DX321. 16 (Exhibit DX321 marked.) 17 Q. DX321 is Bates numbered GEM_CFTC100575. 18 MS. Toomey, I am going to ask you some questions about the 16 first page of this, but read as much as you like. 19 that would not. 20 A. Okay. 21 Q. Okay. 22 A. It is a discussion in Slack between myself and 23 Q. Da you knowledge of the matters being discussed? 24 A. Yes. 25 Q. Da you knowledge of the matters being discussed? 24 a regularly conducted activity of Gemini? 25 Q. Ad was DX321 created at or near the time by 25 Q. Da you knowledge of Gemini's activities? 26 Q. Ad was according Slack messages such as DX321 27 a regular practice of Gemini's activities? 28 A. Yes. 29 Q. Soi 'you look at the first message in DX321. 36 Q. Da you according that? 37 A. Toomet. 38 A. He was hireed, 1 believe, in 2016 as the head of market structure, and later became the COO. 39 Q. Soi 'you look at the first message in DX321, 30 And what question did he ask you? 31 A. Toomet. 32 A. He was hireed, 1 believe, in 2016 as the head of market structure, and later became the COO. 30 A. Toomet. 31 A. Toomet. 32 A. He was hireed, 1 believe, in 20		Kosc 1	001	November 10, 2023
2 August and September of 2017? 3 A. As I recollect, Hashtech was suspended on 4 14 September and the trading between Hashtech and Cardano 5 ceased; and although the maker rebate hurt, the real – the 6 real source of the losses was the the taker fee that 7 Hashtech thad, in combination with the 15 bp maker rebate 8 that Cardano had. 9 Q. And can you remind me: how does the Gemini 10 exchange make money? 11 A. Fees on trades. 12 Q. Did Hashtech and Cardano ever trade with each 13 other through the Gemini auction? 14 A. I can't remember that happening. 15 Q. I would like to show you DX321. 16 (Exhibit DX321 marked.) 17 Q. DX321 is Bates numbered GEM_CFTC100575. 18 Ms. Toomey, I am going to ask you some questions about the 19 first page of this, but read as much as you like. 10 A. Kay. 21 Q. Okay. 22 And what is DX321? 23 A. It is a discussion in Slack between myself and 24 Cameron Winklevoss. 25 Q. And was DX321 ercated at or near the time by 26 Page 413 1 someone with knowledge of the matters being discussed? 2 A. Yes. 3 Q. And was DX321 kept in the course of 4 a regularly conducted activity of Gemini? 5 A. Yes. 6 Q. And was Dx321 kept in the course of 6 a regularly practice of Gemini's activities? 8 A. Yes. 9 Q. So if you look at the first message such as DX321, 10 is that a question fide he ask you? 11 A. Yes. 12 Q. Okay. 13 Doos that refresh your recollection as to 4 whether Hashtech and Cardano ever trade dithrough the Gemini auction. 7 Q. To your knowledge, as someone who 8 withdrawn. 9 Were you involved in writing the code for 14 the Gemini auction? 15 the Gemini auction? 16 the Gemini auction? 17 Q. To your knowledge withdrawn. 18 auction. 19 functions; correct? 10 Q. Oxay. 21 A. It is a discussed the Gemini auction of the people who programmend the Gemini auction, and having investigated Hashtech and Cardano, would in the auction? 22 A. It is a discussion in Slack between myself and 23 Q. Do you know if Gemini ever disclosed the trading activity between Hashtech and Cardano used through the Gemi		Page 412		Page 414
3	1	Gemini's fees, relative to its trading volume, as between	1	ran."
4 14 September and the trading between Hashtech and Cardano 5 ceased; and although the maker rebate between the cal source of the losses was the the taker fee that 6 real source of the losses was the the taker fee that 7 Hashtech had, in combination with the 15 bp maker rebate 8 that Cardano had. 9 Q. And can you remind me: how does the Gernini 10 exchange make money? 11 A. Fees on trades. 12 Q. Did Hashtech and Cardano ever trade with each 13 other through the Gernini auction? 14 A. I can't remember that happening. 15 Q. I would like to show you DX321. 16 (Eshibit DX321 marked.) 17 Q. DX321 is Bates numbered GEM_CFTC100575. 18 Ms. Toomey, I am going to ask you some questions about the 19 first page of this, but read as much as you like. 20 A. Okay. 21 Q. Okay. 21 Q. Okay. 22 And what is DX321? 23 A. It is a discussion in Slack between myself and 24 Cameron Winklevoss. 25 Q. And was DX321 kept in the course of 4 a regularly conducted activity of Gernini? 2 A. Yes. 3 Q. And was SX321 kept in the course of 4 a regularly conducted activity of Gernini? 4 A. Yes. 5 A. Yes. 6 Q. And was sending Slack messages such as DX321 7 a regular practice of Gernini's activities? 8 A. Yes. 9 Q. So if you look at the first message in DX321, 10 is that a question from Cameron Winklevoss to you? 11 A. Yes. 12 Q. Okay. 13 A. Told Hashtech and/or Cardano ever interact in 14 the auction? 15 G. Okay. 16 And flyou go down to the middle of DX321, on the 17 first page there is a message that you sent at 7:09 p.m. Do 4 responsible the maker rebate that freather with the during method of the auction. 2 A. Yes. 3 Q. And what question did he ask you? 4 A. Yes. 4 A. Yes. 5 Q. Okay. 5 A. Okay. 6 A. How as hired, I bedieve, in 2016 as the head of first the auction? 7 Q. Daily, more than daily, weekly? Do you have	2	August and September of 2017?	2	Q. Okay.
5 ceased; and although the maker rebate hurt, the real – the for real source of the losses was the — the taker fee that have a some of the losses was the — the taker fee that have rebate that Cardano had. 9 Q. And can you remind me; how does the Gemini 9 Were you involved in writing the code for 10 the Gemini auction? 11 A. Fees on trades. 12 Q. Did Hashtech and Cardano ever trade with each 13 other through the Gemini auction? 14 A. I. car's remember that happening. 15 Q. I would like to show you DX321. 16 (Eshibit DX321 marked.) 17 Q. D. X321 is Bates numbered GEM_CFTC100575. 18 Ms. Tooney, I am going to ask you some questions about the 19 first page of this, but read as much as you like. 20 A. Okay. 21 Q. Okay. 21 Q. Okay. 22 And what is DX321? 23 A. It is a discussion in Slack between myself and 2 Cameron Winklevoss. 25 Q. And was DX321 exated at or near the time by 25 Q. And was DX321 kept in the course of a regularly conducted activity of Gemini? 4 A. Yes. 5 Q. Da own knowledge, as someone who — withdrawn. 8 withdrawn. 9 Were you involved in writing the code for through the Gemini auction. 10 the Gemini auction. 11 A. Yes. 12 Q. Okay. 15 A. I was. 12 Q. To your knowledge, as someone who — withdrawn. 13 Were you involved in writing the code for through the Gemini auction. 14 the auction? 15 A. I was. 12 Q. To your knowledge, as someone who — withdrawn. 15 Were you involved in writing the code for through the Gemini auction. 16 the Gemini auction. 16 the Gemini auction. 17 designed — one of the people who Gemini auction 16 functions correct? 16 Q. To your knowledge, as someone who — withdrawn. 17 designed — one of the people who Gemini auction? 16 designed — one of the people who from the demini auctions correct? 18 designed — one of the people who programmed the Gemini auctions correct? 18 designed — one of the people who programmed the Gemin	3	A. As I recollect, Hashtech was suspended on	3	Does that refresh your recollection as to
6 real source of the losses was the the taker fee that 7 Hashtech had, in combination with the 15 bp maker rebate 8 that Cardano had. 8 withdrawn. 9 Q. And can you remind me: how does the Gemini 10 exchange make money? 11 A. Fees on trades. 11 A. I was. 12 Q. Did Hashtech and Cardano ever trade with each 13 other through the Gemini auction? 14 A. I can't remember that happening. 15 Q. I would like to show you DX321. 16 (Exhibit DX321 marked.) 17 Q. DX321 is Bates numbered GEM_CFTC100575. 18 Ms. Toomey, I am going to ask you some questions about the 19 first page of this, but read as much as you like. 10 A. A it is a discussion in Slack between myself and 21 Q. And what is DX321? 22 And what is DX321? 23 A. I is a discussion in Slack between myself and 24 Cameron Winklevoss. 25 Q. And was DX321 kept in the course of 4 a regularly conducted activity of Gemini? 2 A. Yes. 3 Q. And was Sx321 kept in the course of 4 a regularly conducted activity of Gemini? 5 A. Yes. 6 Q. And was sending Slack messages such as DX321 7 a regular practice of Gemini's activities? 8 A. Yes. 9 Q. So if you look at the first message in DX321, 10 is that a question from Cameron Winklevoss to you? 11 A. Tuas. 12 Q. To your knowledge, as someone who withdrawn. 14 Mer Gemini auction? 15 A. Correct. 16 Q. To your knowledge, withdrawn. 17 Vou are familiar with how the Gemini auction 18 dinactions; correct? 16 Q. To your knowledge, as one of the people who designed one of the people who programmed the Gemini auction, and having investigated Hashtech and Cardano, would it have been possible to effectuate a trading scheme like 18 thate one that Hashtech and Cardano used through the Gemini auction? 2 A. It would not. 2 Q. Do you know if Gemini ever disclosed the trading activity between Hashtech and Cardano to any government authorities? 2 A. Yes. 3 Q. And was DX321 kept in the course of a regularly conducted activity of Gemini? 4 A. Yes. 5 Q. Op you not recall that? 6 A. Yes. 6 Q. And was passed that you see in the found of the program	4	14 September and the trading between Hashtech and Cardano	4	whether Hashtech and Cardano ever traded through the Gemini
that Cardano had, 9 Q. And can you remind me: how does the Gemini 9 Q. And can you remind me: how does the Gemini 10 exchange make money? 11 A. Fees on trades. 12 Q. Did Hashtech and Cardano ever trade with each 13 other through the Gemini auction? 14 A. I can't remember that happening. 15 Q. I would like to show you DX321. 16 (fixhibit DX321 marked.) 17 Q. Dx321 is Bates numbered GEM_CFTC100575. 18 Ms. Toomey, I am going to ask you some questions about the 19 first page of this, but read as much as you like. 20 A. Okay. 21 Q. Okay. 22 And what is DX321? 23 A. It is a discussion in Slack between myself and 24 Cameron Winklevoss. 25 Q. And was DX321 created at or near the time by 26 A. Yes. 3 Q. And was DX321 kept in the course of 4 a regularly conducted activity of Gemini? 5 A. Yes. 6 Q. And was conding Slack messages such as DX321, 7 a regular practice of Gemini's activities? 8 withdrawn. 9 Were you involved in writing the code for 10 the Gemini auction? 11 A. I was. 12 Q. To your knowledge, as someone who— withdrawn. 12 Q. To your knowledge, a withdrawn. 13 You are familiar with how the Gemini auction 14 finctions; correct? 15 A. Correct. 16 Q. To your knowledge, as one of the people who programmed the Gemini auction? 16 designed — one of the people who programmed the Gemini auction, and having investigated Hashtech and Cardano, would it has action, and having investigated Hashtech and Cardano, would it has action, and having investigated Hashtech and Cardano, would it have been possible to effectuate a trading scheme like the one that Hashtech and Cardano used through the Gemini auction, and having investigated Hashtech and Cardano, would it has necessary and a flag activity between Hashtech and Cardano to any government authorities? 12 Q. And was DX321 kept in the course of 13 a regular practice of Gemini's activities? 14 A. Yes. 15 Q. Do you know if Gemini error Byes description of the matters being discussed? 16 A. Yes. 17 Q. Do you know if Gemini error Byes descr	5	ceased; and although the maker rebate hurt, the real the	5	auction?
8 that Cardano had. 9 Q. And can you remind me: how does the Gemini 10 exchange make money? 11 A. Fees on trades. 12 Q. Did Hashtech and Cardano ever trade with each 13 other through the Gemini auction? 14 A. I can't remember that happening. 15 Q. I would like to show you DX321. 16 (Exhibit DX321 marked.) 17 Q. DX321 is Bates numbered GEM_CFTC100575. 18 Ms. Toomey, I am going to ask you some questions about the 19 first page of this, but read as much as you like. 19 Gray our knowledge, as one of the people who 19 designed – one of the people who programmed the Gemini 10 auction, and having investigated Hashtech and Cardano, would 11 thave been possible to effectuate a trading scheme like 12 Q. Day you know if Gemini ever disclosed the 13 auction, and having the code for 14 a regular practice of May as DX321 created at or near the time by 15 A. Yes. 16 Q. And was DX321 kept in the course of 17 a regular practice of Gemini? 28 A. Yes. 29 Q. And was ending Slack messages such as DX321 3 a regular practice of Gemini's activities? 4 a regular practice of Gemini's activities? 5 A. Yes. 6 Q. And was ending Slack messages such as DX321 7 a regular practice of Gemini's activities? 8 A. Yes. 9 Q. So if you look at the first message in DX321, 10 is that a question from Cameron Winklevoss to you? 11 A. Yes. 12 Q. And how frequently did you interact with 14 the auction? 15 A. I'vi and for the people who designed — on the peopl	6	real source of the losses was the the taker fee that	6	A. It does. They did not trade in the auction.
Q. And can you remind me: how does the Gemini cexchange make money? In the Gemini auction? A. Fees on trades. In the Gemini auction? A. I can't remember that happening. In the Gemini auction? A. I can't remember that happening. In the Gemini auction that happening that happening. In the Gemini auction that happening that happening. In the Gemini auction that happening that happening auction, and having investigated Hashtech and Cardano, would it have been possible to effectuate a trading scheme like the one that Hashtech and Cardano used through the Gemini auction auction, and having investigated Hashtech and Cardano, would it have been possible to effectuate a trading scheme like the one that Hashtech and Cardano used through the Gemini auction that thashtech and Cardano used through the Gemini auction that thashtech and Cardano used through the Gemini auction that the signed — one of the people who programmed the Gemini auction, and having investigated Hashtech and Cardano, would it have been possible to effectuate a trading scheme like the one that Hashtech and Cardano used through the Gemini auction auction, and having investigated Hashtech and Cardano, would the trading auction, and having investigated Hashtech and Cardano used through the Gemini auction auction, and having investigated Hashtech and Cardano used through the Gemini auction auction, and having investigated Hashtech and Cardano used through the Gemini auction auction, and having investigated Hashtech and Cardano used through the Gemini auction auction, and having investigated Hashtech and Cardano used through the	7	Hashtech had, in combination with the 15 bp maker rebate	7	Q. To your knowledge, as someone who
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11 A. I was. 12 Q. Did Hashtech and Cardano ever trade with each 13 other through the Gemini auction? 14 A. I can't remember that happening. 15 Q. I would like to show you DX321. 16 (Exhibit DX321 marked.) 17 Q. DX321 is Bates numbered GEM_CFTC100575. 18 Ms. Toomey, I am going to ask you some questions about the first page of this, but read as much as you like. 19 first page of this, but read as much as you like. 20 A. Okay. 21 Q. Okay. 22 And what is DX321? 23 A. It is a discussion in Slack between myself and 24 Cameron Winklevoss. 25 Q. And was DX321 created at or near the time by 26 A. Yes. 27 A. Yes. 28 A. Yes. 29 Q. And was DX321 kept in the course of a regularly conducted activity of Gemini? 29 A. Yes. 30 Q. And was sending Slack messages such as DX321 are rarelar practice of Gemini's activities? 31 A. Yes. 42 A. Yes. 43 Q. And was sending Slack messages such as DX321 is is that a question from Cameron Winklevoss to you? 31 A. Yes. 32 Q. And what is DX west in the course of a regularly conducted activity of Gemini? 33 Q. And was ending Slack messages in DX321, or the first message in DX321, or the first page there is a message that you sent at 7:09 p.m. Do 10 Q. Daily, more than daily, weekly? Do you have	9	Q. And can you remind me: how does the Gemini	9	Were you involved in writing the code for
12 Q. Did Hashtech and Cardano ever trade with each 13 other through the Gemini auction? 13 You are familiar with how the Gemini auction 14 functions; correct? 15 Q. I would like to show you DX321. 15 A. Correct. (Exhibit DX321 marked.) 16 Q. To your knowledge, as one of the people who designed one of the people who programmed the Gemini auction, and having investigated Hashtech and Cardano, would if have been possible to effectuate a trading scheme like 20 A. Okay. 21 auction? 22 A. It is a discussion in Slack between myself and 23 Q. Do you know if Gemini ever disclosed the 24 Cameron Winklevoss. 25 Q. And was DX321 created at or near the time by 25 government authorities? 27 A. It do not. 28 A. Yes. 3 Q. And was DX321 kept in the course of 4 a regularly conducted activity of Gemini? 4 A. Yes. 5 Q. Do you look at the first message such as DX321 6 A. Yes. 5 Q. Do you look at the first message in DX321, 10 is that a question from Cameron Winklevoss to you? 10 Q. And for how long — for how long were you and Mr. Small colleagues at Gemini? A. Pes. 11 Mr. Small colleagues at Gemini? A. Pes. 11 Mr. Small colleagues at Gemini? A. Pes. 12 Q. And what question did he ask you? 15 A. Ii in half of 2017, frequently. 16 And if you go down to the middle of DX321, on the 17 first page there is a message that you sent at 7:09 p.m. Do 17 Q. Daily, more than daily, weekly? Do you have	10	exchange make money?	10	the Gemini auction?
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16	14	A. I can't remember that happening.	14	functions; correct?
17	15	Q. I would like to show you DX321.	15	A. Correct.
18 Ms. Toomey, I am going to ask you some questions about the 19 first page of this, but read as much as you like. 20 A. Okay. 21 Q. Okay. 22 And what is DX321? 23 A. It is a discussion in Slack between myself and 24 Cameron Winklevoss. 25 Q. And was DX321 created at or near the time by Page 413 1 someone with knowledge of the matters being discussed? 2 A. Yes. 3 Q. And was DX321 kept in the course of 4 a regularly conducted activity of Gemini? 5 A. Yes. 6 Q. And was sending Slack messages such as DX321 7 a regular practice of Gemini's activities? 8 A. Yes. 9 Q. So if you look at the first message in DX321, 10 is that a question from Cameron Winklevoss to you? 11 A. Yes. 12 Q. And what question did he ask you? 13 A. "Did Hashtech and/or Cardano ever interact in 14 the auction?" 15 Q. Okay. 16 And if you go down to the middle of DX321, on the 17 first page there is a message that you sent at 7:09 p.m. Do 18 auction, and having investigated Hashtech and Cardano, would it have been possible to effectuate a trading scheme like the one that Hashtech and Cardano used through the Gemini auction? 20 the one that Hashtech and Cardano used through the Gemini auction? 21 auction? 22 A. It would not. 23 Q. Do you know if Gemini ever disclosed the 24 trading activity between Hashtech and Cardano to any 25 government authorities? 26 A. Yes. 27 A. I do not. 28 Q. A few times during a few times today, the 29 name Ben Small has come up. 30 A. Yes. 31 A. Yes. 32 A. I do not. 33 Q. A few times during a few times today, the 34 name Ben Small has come up. 35 A. Yes. 36 Q. Do you recall that? 36 A. Yes. 47 Q. How did you know Mr. Small? 48 A. He was hired, I believe, in 2016 as the head 49 of market structure, and later became the COO. 40 Q. And for how long for how long were you and 41 Mr. Small colleagues at Gemini? 41 Mr. Small in your capacity as Gemini employees? 42 trading activity between Hashtech and Cardano to any 29 opo you recall that? 41 A. Yes. 42 Q. Do you recall that? 43 A. Yes. 44 A. Yes. 45 Q. How did yo	16	(Exhibit DX321 marked.)	16	Q. To your knowledge, as one of the people who
19 first page of this, but read as much as you like. 20 A. Okay. 21 Q. Okay. 22 And what is DX321? 23 A. It is a discussion in Slack between myself and 24 Cameron Winklevoss. 25 Q. And was DX321 created at or near the time by Page 413 1 someone with knowledge of the matters being discussed? 2 A. Yes. 3 Q. And was DX321 kept in the course of 4 a regularly conducted activity of Gemini? 4 a regular practice of Gemini's activities? 5 A. Yes. 6 Q. And was sending Slack messages such as DX321 7 a regular practice of Gemini's activities? 8 A. Yes. 9 Q. So if you look at the first message in DX321, 10 is that a question from Cameron Winklevoss to you? 11 A. Yes. 12 Q. And what question for Cardano ever interact in 14 the auction?" 15 Q. Okay. 16 And if you go down to the middle of DX321, on the 17 first page there is a message that you sent at 7:09 p.m. Do 19 it have been possible to effectuate a trading scheme like 20 the one that Hashtech and Cardano used through the Gemini auction? 22 A. It would not. 23 Q. Do you know if Gemini ever disclosed the 24 trading activity between Hashtech and Cardano to any 25 government authorities? A. It is a discussion in Slack between myself and 24 trading activity between Hashtech and Cardano to any 25 government authorities? A. It do not. 2 Q. A few times during a few times today, the 3 name Ben Small has come up. 4 A. Yes. 5 Q. Do you recall that? 4 A. Yes. 6 Q. How did you know Mr. Small? 9 of market structure, and later became the COO. 10 Q. And for how long for how long were you and 11 Mr. Small in your capacity as Gemini employees? 12 A. Slightly less than a year and a half. 13 Q. And how frequently did you interact with 14 Mr. Small in your capacity as Gemini employees? 15 A. In in the second half of 2016 and the first 16 half of 2017, frequently. 17 Q. Daily, more than daily, weekly? Do you have	17	Q. DX321 is Bates numbered GEM_CFTC100575.	17	designed one of the people who programmed the Gemini
20 A. Okay. 21 Q. Okay. 22 And what is DX321? 23 A. It is a discussion in Slack between myself and 24 Cameron Winklevoss. 25 Q. And was DX321 created at or near the time by Page 413 1 someone with knowledge of the matters being discussed? 2 A. Yes. 3 Q. And was DX321 kept in the course of 4 a regularly conducted activity of Gemini? 4 A. Yes. 5 A. Yes. 6 Q. And was sending Slack messages such as DX321 7 a regular practice of Gemini's activities? 8 A. Yes. 9 Q. So if you look at the first message in DX321, 10 is that a question from Cameron Winklevoss to you? 11 A. Yes. 12 Q. And what question from Cameron Winklevoss to you? 13 A. "Did Hashtech and/or Cardano ever interact in 14 the auction?" 15 Q. Okay. 16 And if you go down to the middle of DX321, on the 17 first page there is a message that you sent at 7:09 p.m. Do 20 the one that Hashtech and Cardano used through the Gemini auction? 21 auction? 22 A. It would not. 23 Q. Do you know if Gemini ever disclosed the 24 trading activity between Hashtech and Cardano to any 25 government authorities? Page 415 A. It would not. 26 Q. Ao teval suttered in trading activity between Hashtech and Cardano to any 26 Q. Do you know if Gemini ever disclosed the 27 trading activity between Hashtech and Cardano to any 27 government authorities? Page 415 A. I do not. 2 Q. A few times during a few times today, the name Ben Small has come up. 4 A. Yes. 5 Q. Do you recall that? 6 A. Yes. 7 Q. How did you know Mr. Small? 8 A. He was hired, I believe, in 2016 as the head 9 of market structure, and later became the COO. 10 Q. And for how long for how long were you and 11 Mr. Small colleagues at Gemini? 12 A. Slightly less than a year and a half. 13 Q. And how frequently did you interact with 14 Mr. Small in your capacity as Gemini employees? 15 A. In in the second half of 2016 and the first half of 2017, frequently. 17 Q. Daily, more than daily, weekly? Do you have	18	Ms. Toomey, I am going to ask you some questions about the	18	auction, and having investigated Hashtech and Cardano, would
21 Q. Okay. 22 And what is DX321? 23 A. It is a discussion in Slack between myself and 24 Cameron Winklevoss. 25 Q. And was DX321 created at or near the time by Page 413 1 someone with knowledge of the matters being discussed? 2 A. Yes. 3 Q. And was DX321 kept in the course of 4 a regularly conducted activity of Gemini? 5 A. Yes. 6 Q. And was sending Slack messages such as DX321 7 a regular practice of Gemini's activities? 8 A. Yes. 9 Q. So if you look at the first message in DX321, 10 is that a question from Cameron Winklevoss to you? 11 A. Yes. 12 Q. And what question from Cameron Winklevoss to you? 13 A. "Did Hashtech and/or Cardano ever interact in 14 the auction?" 15 Q. Okay. 16 And if you go down to the middle of DX321, on the 17 first page there is a message that you sent at 7:09 p.m. Do 2 Do you know if Gemini ever disclosed the trading activity between Hashtech and Cardano to any government authorities? 2 A. It would not. 22 A. It would not. 23 Q. Do you know if Gemini ever disclosed the trading activity between Hashtech and Cardano to any government authorities? 1 A. I do not. 2 Q. A few times during a few times today, the name Ben Small has come up. 4 A. Yes. 5 Q. Do you recall that? 6 A. Yes. 7 Q. How did you know Mr. Small? 8 A. He was hired, I believe, in 2016 as the head of market structure, and later became the COO. 10 Q. And for how long for how long were you and Mr. Small colleagues at Gemini? 14 Mr. Small colleagues at Gemini? 15 Q. Okay. 16 And if you go down to the middle of DX321, on the first page there is a message that you sent at 7:09 p.m. Do 17 Q. Daily, more than daily, weekly? Do you have	19	first page of this, but read as much as you like.	19	it have been possible to effectuate a trading scheme like
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A. It is a discussion in Slack between myself and Cameron Winklevoss. Q. And was DX321 created at or near the time by Page 413 someone with knowledge of the matters being discussed? A. Yes. Q. And was DX321 kept in the course of a regularly conducted activity of Gemini? A. Yes. Q. And was sending Slack messages such as DX321 A. Yes. Q. So if you look at the first message in DX321, is that a question from Cameron Winklevoss to you? A. Yes. Q. And what question did he ask you? A. Yes. Q. And what question did he ask you? A. Winkleyous down to the middle of DX321, on the And if you go down to the middle of DX321, on the Instrapage there is a message that you sent at 7:09 p.m. Do Page 413 A. I do not. A. Yes. A. A. Yes. A. A. Yes. A. He was hired, I believe, in 2016 as the head of market structure, and later became the COO. Q. And for how long — for how long — for how long were you and how frequently did you interact with Mr. Small in your capacity as Gemini employees? A. In — in the second half of 2016 and the first half of 2017, frequently. A. In — in the second h	21	Q. Okay.	21	auction?
24 Cameron Winklevoss. 25 Q. And was DX321 created at or near the time by 26 government authorities? Page 413 Page 415 Page 416 Page 417 Page 418 Page 418 Page 419 A. I do not. Q. A few times during a few times today, the aname Ben Small has come up. 4 a regularly conducted activity of Gemini? 4 A. Yes. 5 Q. Do you recall that? 6 A. Yes. 7 Q. How did you know Mr. Small? 8 A. Yes. 9 Q. So if you look at the first message in DX321, is that a question from Cameron Winklevoss to you? 10 Q. And for how long for how long were you and 11 A. Yes. 11 Mr. Small colleagues at Gemini? 12 Q. And what question did he ask you? 13 A. "Did Hashtech and/or Cardano ever interact in 14 the auction?" 14 Mr. Small in your capacity as Gemini employees? 15 Q. Okay. 16 And if you go down to the middle of DX321, on the 17 first page there is a message that you sent at 7:09 p.m. Do 24 trading activity between Hashtech and Cardano to any 20 government authorities? Page 415 A. I do not. 2 Q. A few times during a few times today, the 3 name Ben Small has come up. 4 A. Yes. 5 Q. Do you recall that? 6 A. Yes. 9 Q. How did you know Mr. Small? 9 of market structure, and later became the COO. 10 Q. And for how long for how long were you and 11 Mr. Small colleagues at Gemini? 12 A. Slightly less than a year and a half. 13 Q. And how frequently did you interact with Mr. Small in your capacity as Gemini employees? 15 A. In in the second half of 2016 and the first half of 2017, frequently. 16 half of 2017, frequently. 17 Q. Daily, more than daily, weekly? Do you have	22	And what is DX321?	22	A. It would not.
Page 413 Page 413 Page 415 Page 416 Page 417 Page 418 Page 418 Page 419 Page 419 Page 419 Page 419 A. I do not. Q. A few times during a few times today, the a regularly conducted activity of Gemini? A. Yes. A. Yes. Q. And was DX321 kept in the course of a name Ben Small has come up. A. Yes. A. Yes. Q. Do you recall that? A. Yes. A. Yes. A. Yes. A. Yes. Q. How did you know Mr. Small? A. Yes. A. He was hired, I believe, in 2016 as the head of market structure, and later became the COO. In that a question from Cameron Winklevoss to you? A. Yes. A. Yes. A. Yes. A. Yes. A. Yes. A. Yes. A. He was hired, I believe, in 2016 as the head of market structure, and later became the COO. A. Yes. A. He was hired, I believe, in 2016 as the head of market structure, and later became the COO. A. Yes. A. He was hired, I believe, in 2016 as the head of market structure, and later became the COO. A. Yes. A. He was hired, I believe, in 2016 as the head of market structure, and later became the COO. A. Yes. A. Yes. A. Yes. A. Yes. A. Yes. A. He was hired, I believe, in 2016 as the head of market structure, and later became the COO. A. Yes. A. Yes. A. Yes. A. Yes. A. He was hired, I believe, in 2016 as the head of market structure, and later became the COO. A. Yes. A. Yes. A. Yes. A. He was hired, I believe, in 2016 as the head of market structure, and later became the COO. A. Yes. A. Yes. A. Yes. A. He was hired, I believe, in 2016 as the head of market structure, and later became the COO. And for how long for how long were you and the first market structure, and later became the COO. A. Yes. A. Yes. A. Yes. A. Yes. A. He was hired, I believe, in 2016 as the head of market structure, and later became the COO. A. Yes. A. He was hired,	23	A. It is a discussion in Slack between myself and	23	Q. Do you know if Gemini ever disclosed the
Page 413 1 someone with knowledge of the matters being discussed? 2 A. Yes. 3 Q. And was DX321 kept in the course of 4 a regularly conducted activity of Gemini? 5 A. Yes. 6 Q. And was sending Slack messages such as DX321 7 a regular practice of Gemini's activities? 8 A. Yes. 9 Q. So if you look at the first message in DX321, 10 is that a question from Cameron Winklevoss to you? 11 A. Yes. 12 Q. And what question did he ask you? 13 A. "Did Hashtech and/or Cardano ever interact in 14 the auction?" 15 Q. Okay. 16 And if you go down to the middle of DX321, on the 17 first page there is a message that you sent at 7:09 p.m. Do 18 A. Yes. 2 Q. A few times during a few times today, the A. I do not. A. Yes. C. A. Yes. C. Do you recall that? A. Yes. C. How did you know Mr. Small? A. He was hired, I believe, in 2016 as the head of market structure, and later became the COO. 10 Q. And for how long for how long were you and of market structure, and later became the COO. 11 Mr. Small colleagues at Gemini? 12 A. Slightly less than a year and a half. Mr. Small in your capacity as Gemini employees? 13 Q. And how frequently did you interact with Mr. Small in your capacity as Gemini employees? 15 A. In in the second half of 2016 and the first half of 2017, frequently. 17 Q. Daily, more than daily, weekly? Do you have	24	Cameron Winklevoss.	24	trading activity between Hashtech and Cardano to any
1 A. I do not. 2 A. Yes. 3 Q. And was DX321 kept in the course of 4 a regularly conducted activity of Gemini? 5 A. Yes. 6 Q. And was sending Slack messages such as DX321 7 a regular practice of Gemini's activities? 8 A. Yes. 9 Q. So if you look at the first message in DX321, 10 is that a question from Cameron Winklevoss to you? 11 A. Yes. 12 Q. And what question did he ask you? 13 A. "Did Hashtech and/or Cardano ever interact in 14 the auction?" 15 Q. Okay. 16 And if you go down to the middle of DX321, on the 17 first page there is a message that you sent at 7:09 p.m. Do 18 DA A. Yes. 2 Q. A few times during a few times today, the 3 name Ben Small has come up. 4 A. Yes. 5 Q. Do you recall that? 6 A. Yes. 7 Q. How did you know Mr. Small? 8 A. He was hired, I believe, in 2016 as the head 9 of market structure, and later became the COO. 10 Q. And for how long for how long were you and 11 A. Small colleagues at Gemini? 12 A. Slightly less than a year and a half. 13 Q. And how frequently did you interact with 14 Mr. Small in your capacity as Gemini employees? 15 A. In in the second half of 2016 and the first 16 half of 2017, frequently. 17 Girst page there is a message that you sent at 7:09 p.m. Do 18 Do And was times today, the 2 Q. A few times during a few times today, the 3 name Ben Small has come up. 4 A. Yes. 9 Q. Daily, more than daily, weekly? Do you have	25	Q. And was DX321 created at or near the time by	25	government authorities?
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3 name Ben Small has come up. 4 a regularly conducted activity of Gemini? 5 A. Yes. 6 Q. And was sending Slack messages such as DX321 7 a regular practice of Gemini's activities? 8 A. Yes. 9 Q. So if you look at the first message in DX321, 10 is that a question from Cameron Winklevoss to you? 11 A. Yes. 12 Q. And what question did he ask you? 13 A. "Did Hashtech and/or Cardano ever interact in 14 the auction?" 15 Q. Okay. 16 And if you go down to the middle of DX321, on the 17 first page there is a message that you sent at 7:09 p.m. Do 3 name Ben Small has come up. 4 A. Yes. 5 Q. Do you recall that? 6 A. Yes. 7 Q. How did you know Mr. Small? 8 A. He was hired, I believe, in 2016 as the head 9 of market structure, and later became the COO. 10 Q. And for how long for how long were you and 11 A. Small colleagues at Gemini? 12 A. Slightly less than a year and a half. 13 Q. And how frequently did you interact with 14 Mr. Small in your capacity as Gemini employees? 15 A. In in the second half of 2016 and the first 16 half of 2017, frequently. 17 Q. Daily, more than daily, weekly? Do you have	1	someone with knowledge of the matters being discussed?	1	A. I do not.
4 A. Yes. 5 A. Yes. 6 Q. And was sending Slack messages such as DX321 7 a regular practice of Gemini's activities? 8 A. Yes. 9 Q. So if you look at the first message in DX321, 10 is that a question from Cameron Winklevoss to you? 11 A. Yes. 12 Q. And what question did he ask you? 13 A. "Did Hashtech and/or Cardano ever interact in 14 the auction?" 15 Q. Okay. 16 And if you go down to the middle of DX321, on the 17 first page there is a message that you sent at 7:09 p.m. Do 18 A. Yes. 19 Q. Do you recall that? A. Yes. 10 Q. How did you know Mr. Small? A. Yes. 11 Mr. Small colleave, in 2016 as the head of market structure, and later became the COO. 10 Q. And for how long for how long were you and later became the COO. 11 Mr. Small colleagues at Gemini? 12 A. Slightly less than a year and a half. 13 Q. And how frequently did you interact with later the auction?" 14 Mr. Small in your capacity as Gemini employees? 15 A. In in the second half of 2016 and the first later of 2017, frequently. 16 half of 2017, frequently. 17 Q. Daily, more than daily, weekly? Do you have	2	A. Yes.	2	Q. A few times during a few times today, the
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And if you go down to the middle of DX321, on the 17 first page there is a message that you sent at 7:09 p.m. Do 18 half of 2017, frequently. 19 Q. Daily, more than daily, weekly? Do you have	14	the auction?"	14	Mr. Small in your capacity as Gemini employees?
17 first page there is a message that you sent at 7:09 p.m. Do 17 Q. Daily, more than daily, weekly? Do you have	15	Q. Okay.	15	A. In in the second half of 2016 and the first
	16	And if you go down to the middle of DX321, on the	16	half of 2017, frequently.
18 you see that? 18 some	17	first page there is a message that you sent at 7:09 p.m. Do	17	Q. Daily, more than daily, weekly? Do you have
	18	you see that?	18	some
19 A. I see it. 19 A. I don't know if it was daily, but it was	19	A. I see it.	19	A. I don't know if it was daily, but it was
Q. Could you read the message that you sent 20 probably three, four, five times a week. It depends what h	20	Q. Could you read the message that you sent	20	probably three, four, five times a week. It depends what he
21 Mr. Winklevoss at 7:09 p.m.? 21 wanted	21	Mr. Winklevoss at 7:09 p.m.?	21	wanted
22 A. "Confirmed none - neither Hashtech nor 22 Q. Okay.	22	A. "Confirmed none - neither Hashtech nor	22	Q. Okay.
23 Cardano ever participated in auction. No auction-only 23 Do you recall there came a time when Mr. Small was	23	Cardano ever participated in auction. No auction-only	23	Do you recall there came a time when Mr. Small was
24 orders were ever placed. No standing continuous book orders 24 suspended by Gemini?	1			
	24	orders were ever placed. No standing continuous book orders	24	suspended by Gemini?